

INCOMING TELEGRAM

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MARCH 16, 1959

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FROM: PARIS

TO: Secretary of State

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DEPARTMENT PASS DEFENSE

FROM HILLENBRAND

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REFERENCE: DEPTCL 3319

1. SUBGROUP HAS BEEN USING US ELEMENTS PAPER AS BASIS FOR DRAFTING PAPER WHICH WILL BE MAJOR ANNEX OF WORKING GROUP REPORT. MOST RESERVATIONS WILL BE DEALT WITH BY BRACKETS WHERE DIFFERENCES ARE MORE BASIC. HOWEVER, TO OBTAIN WIDEST MEASURE AGREEMENT ON LANGUAGE, AS WELL AS FOR CLARIFICATION, SOME ALTERATIONS IN PRESENT LANGUAGE NECESSARY, IT BEING UNDERSTOOD ALL IS AD REFERENDUM. WE DO NOT ENVISAGE DIFFICULTY OVER LANGUAGE CHANGES, BUT WISH TO REPORT WAY WE PLANNING TO HANDLE TWO POINTS.

2. RE PARAGRAPHS 14 A.5 AND 40, WILL PUT THE FOLLOWING LANGUAGE IN FOOTNOTE FOR EACH PARAGRAPH. QUOTE IT WILL BE EXPLAINED AT THE TIME THE WESTERN OFFER IS SUBMITTED THAT THE RETENTION OF CUSTODY ENVISAGED IS THE DEGREE OF U.S. CONTROL OVER U.S. NUCLEAR WARHEADS REQUIRED BY PRESENT U.S. LAW, BUT THAT IT WOULD NOT PRECLUDE THE U.S., FOR EXAMPLE, MAKING AVAILABLE UNDER U.S. CONTROL NUCLEAR WARHEADS TO GERMAN FORCES AND TRAINING GERMAN FORCES IN THEIR USE IN ACCORDANCE WITH PRESENT OR FUTURE ARRANGEMENTS. UNQUOTE. BELIEVE THIS MEETS REQUIREMENTS OF REFERENCE TELEGRAM ON THIS POINT. OTHERS FELT COULD NOT PUT INTO PROPOSAL ITSELF CRITERIA OF U.S. LAW SO EXPLANATION TECHNIQUE TO BE USED. LANGUAGE ITSELF CHANGED SOMEWHAT TO MAKE IT DESCRIPTIVE OF QUOTE RETENTION OF

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CUSTODY UNQUOTE WHICH IT IS ASSUMED WAS ACTUAL INTENTION
OF REFERENCE TELEGRAM INSTRUCTION.

3. RE PARAGRAPH 2 ABOVE, WE ASSUME GERMANS HERE REPRESENTING
FOREIGN OFFICE ARE NOT FULLY AWARE US-GERMAN BILATERAL
DISCUSSIONS ON STOCKPILE. THEY HAVE PRESSED IN WORKING
GROUP FOR FULLER EXPLANATION CUSTODY QUESTION AND PARTICULARLY
QUOTE PRESENT OR FUTURE ARRANGEMENTS UNQUOTE. WE WILL
DISCUSS WITH AMBASSADOR BRUCE UPON HIS ARRIVAL TOMORROW.
QUESTION THEREFORE IS WHETHER REFERENCE TO NEGOTIATIONS
CAN BE MADE IN WORKING GROUP AND GENERAL IMPLICATIONS
OF ANY OF REFERENCE TO QUOTE FUTURE ARRANGEMENTS UNQUOTE.

4. RE PARAGRAPHS 25, 26, 27. BRITISH HAVE EXPRESSED
DESIRE INCLUDE SOME SURPRISE ATTACK FEATURES QUESTION
THEREFORE ARISES OF WHAT IF ANY REFERENCE CAN BE MADE
TO THESE PARAGRAPHS WHICH WERE DISCUSSED AS EXAMPLES
BUT NOT PUT IN PAPER. WE ENVISAGE POSSIBILITY USING
FOLLOWING LANGUAGE. QUOTE SECURITY MEASURES, TO BE
AGREED UPON, WOULD BE UNDERTAKEN DURING STAGE II. UNQUOTE.
AS FOOTNOTE TO THIS PARAGRAPH WOULD BE FOLLOWING:
QUOTE THE FOLLOWING PROPOSAL WAS DISCUSSED AS AN EXAMPLE
OF THE TYPE OF SECURITY MEASURE WHICH MIGHT BE PROPOSED
IN STAGE II UNQUOTE; THEN WOULD FOLLOW LANGUAGE OF
PARAGRAPHS 25, 26, 27.

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